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C O N F I D E N T I A L SECTION 01 OF 03 NEW DELHI 006976

SIPDIS

E.O. 12958: DECL: 10/26/2004

TAGS: [PREL PHUM PREF IN NP PHUM PREF IN NP BT UNHCR](#)

SUBJECT: BHUTAN MOVING TOWARDS REPATRIATION OF CATEGORY ONE

REFUGEES

THE FOLLOWING IS A REPEAT OF NEW DELHI 6920, DATED 10/29/2004, SENT ACTION SECSTATE, INFO BEIJING, COLOMBO, DHAKA, ISLAMABAD, KATHMANDU, LONDON, MOSCOW, TOKYO, CALCUTTA, CHENNAI, MUMBAI, USPACOM HONOLULU, USCENCOM MACDILL, PACOM IDHS HONOLULU, GENEVA, AND USUN NEW YORK - BEING REPEATED FOR YOUR INFO.

QUOTE

E.O. 12958: DECL: 10/26/2014

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SUBJECT: BHUTAN MOVING TOWARDS REPATRIATION OF CATEGORY ONE
REFUGEES

Classified By: A/DCM Walter E. North, Reasons 1.4 (B,D).

1. (C) Summary: During an October 24 meeting with PRM A/S Dewey, King Jigme Wangchuck of Bhutan agreed that Category 1 refugees from the Khudunabari Camp could be repatriated and that the Government of Nepal (GON) and the Royal Government of Bhutan (RGOB) should exchange a letter specifying the modalities. King Wangchuck also commented, off the record, that this refugee situation is unique because Nepal and Bhutan have an open border with India and that many of the refugees are Indian. He stated that in private negotiations, the GON has not been overly concerned about the refugee situation. Third country resettlement is not an important part of the solution, according to the King. He said the conditions of return had been stipulated and are in line with Bhutanese citizenship law. The willingness of the King to move on the Category 1 refugees in Khudunabari Camp who had already been verified by the Bhutanese and Nepalese Joint Verification Teams departed significantly from the message A/S Dewey had heard previously from senior RGOB officials who held that all the Categories from all the camps must be considered before repatriation could start. End Summary.

An Open Door for Category 1 Refugees?

2. (C) In an October 24 meeting, A/S Dewey appealed to King Jigme Wangchuck to help break the impasse over the refugee situation in southern Nepal by agreeing to take back Category 1 refugees from the Khudunabari Camp. The King agreed to the proposal, but stipulated that the GON and the RGOB must first draft a letter setting forth the modalities of how repatriation would take place. He promised to instruct his Ambassador to India to work with the Nepalese Ambassador to draft the letter, and after the language was finalized, the GON would send the letter to Thimphu. King Wangchuck stated that the process must be portrayed as a bilateral initiative) and not as a proposal advanced by an outside party. He emphasized the need to inform India of this initiative, and asked A/S Dewey to request that Ambassador Mulford brief the Indian Ministry of External Affairs. The King requested that Ambassador Moriarty similarly inform Minister of State Mahat in Kathmandu and support this initiative with Nepal. In a meeting with Foreign Minister Khandu Wangchuk after a lunch hosted for the U.S. delegation by the King, the Foreign Minister was instructed to oversee the joint drafting of the letters with Minister Mahat.

Indian "Refugees?"

3. (C) The King also asserted that a large number of camp residents are Indians and that the camps serve as a magnet due to the high quality of services UNHCR provides compared to surrounding areas. He professed surprise that the number of refugees was not higher than 100,000, because of the discrepancy in services offered inside and outside the camps. He argued that the international community should stop providing services in the camps that are not found in the surrounding area. The King also criticized UNHCR policy of requiring refugees to obtain daily passes to leave the camps, stating that it limited the free movement of people between Nepal and India. He mentioned that the RGOB knows of 2,000 people who have voluntarily left the camps, without receiving passes, to work and visit family members in India. These people should be allowed to choose where they work and travel, he argued, because immigration laws of all three countries allow it.

Nepal-Bhutan Talks

14. (C) Private talks between the GON and RGOB have been very good and there has been a frank exchange of ideas, commented King Wangchuck. While the official GON line is that all the refugees are Bhutanese, the GON knows they are ethnic Nepalese and has no reservations about them staying in Nepal, he added. Two to three million people from Bihar currently live in the region of the camps, and the GON would prefer the 100,000 refugees settle there, because it would increase the Nepalese percentage of the population. However, the GON cannot admit this, he continued because it is politically too risky, and no government in Kathmandu has come to power supporting a mandate on a controversial issue. Also, with all the problems Nepal is facing, the government can at least boast that it is taking care of 100,000 refugees, even though it is not paying for any of the services, commented the King.

15. (C) King Wangchuck stated that the GON goal soon after the refugee crisis began was to increase the numbers of people in the camps from 6,000 to over 100,000 to ensure that UNHCR would have to get involved and provide support. The King then reiterated the Bhutanese complaint that UNHCR had compounded the problem by not adequately screening refugees. He doubted they could remain neutral after 12 years as "judge and jury" and consistently calling the people in the camps "Bhutanese Refugees." He added that while the RGOB has had problems with the UNHCR, there was no point in "harping on the past" and that it was time to move forward. If the UNHCR stopped funding the camps it would not be a large problem, because those refugees who could not find jobs in Nepal could do so in India, he stated.

Third Country Resettlement

16. (C) There is no need for third country resettlement, which is only a "hypothetical solution," the King maintained. The refugee situation is "very unique, but very simple," he argued, because all the refugees are from India, Nepal and Bhutan and therefore only those three countries are needed for a solution. The refugees are free to live and work in India, Nepal and Bhutan, but only under the citizenship laws of each country, he remarked. Because the people in the camps are from one of the three countries, the refugees would only become stateless by deciding to go the third country resettlement route. While he welcomed that option, it was not necessary.

Conditions of Return

17. (C) King Wangchuck stated that the RGOB had given UNHCR and the GON the conditions of return prior to the December 2003 attack in the Khudunabari camp. Any issue involving disbursement of land would be covered under Bhutanese law. If a person had sold his land before leaving Bhutan, that person would not be eligible to get it back or be given any free acreage from the RGOB. However, the king noted that those who had been illegally evicted would have the right to get property back, and he fully expected that some returning category 1 refugees would file cases to do so. The Joint Verification Teams (JVT) had agreed to a liberal interpretation of the law, but stressed they would not go so far as to change property or citizenship laws, he commented.

18. (C) King Wangchuck assured A/S Dewey that there would be no risk for return of Category 1 refugees, that they would be fully protected by Bhutanese citizenship laws, and that the numbers of returnees does not matter, as long as they were bona fide Bhutanese citizens. A/S Dewey raised this again with the Foreign Minister at the dinner he hosted in the evening of October 24. The Foreign Minister reiterated opposition to UNHCR or any international direct monitoring saying, "you will have to trust us. But we would not dare violate their citizenship rights given the number of UN agencies accredited in Bhutan that will be watching."

Comment

19. (C) The King's decision to accept Category 1 refugees from the Khudunabari camp, prior to completion of the JVT surveys of the other camps, was a surprise response to A/S Dewey's personal appeal to try to find a way around the seemingly impenetrable "swamp," rather than to keep revisiting it. It was also a change from the message A/S Dewey heard from other senior members of the RGOB, including Prime Minister Yeshey Zimba and Minister of Foreign Affairs Khandu Wangchuck. The two ministers repeated old RGOB positions and focused on the history of the refugee situation, the need for Bhutan to protect its national security, the violence committed against the Bhutanese JVT members, and a desire for recognition from the US for Bhutanese support on Iraq and Article 98. The King clearly took the matter in his own hands to set out a formula to get by the impasse. He defined the concept, then instructed the

Foreign Minister to work out the details so that repatriation of this discrete group could begin.

110. (U) A/S Dewey has cleared this cable.

MULFORD

UNQUOTE

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